

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

ADRIAN SCHOOLCRAFT,

Plaintiff,

AFFIDAVIT IN
OPPOSITION

-against-

10-CV-06005 (RWS)

THE CITY OF NEW YORK, et al.,

Defendants.

-----X

STATE OF NEW YORK

ss.:

COUNTY OF NASSAU

STEVEN MAURIELLO, being duly sworn, says:

1. I am a defendant in this action and submit this affidavit in opposition to the plaintiff's motion for summary judgment seeking the dismissal of the counterclaims I have asserted against him.

2. When I was a Captain serving as the Commanding Officer of the Brooklyn North Anti-Crime Unit, I requested a transfer to a position in a precinct that would enable me to earn an appointment as a Commanding Officer as well as a promotion to Deputy Inspector, which happened when I was at the 81st Precinct, and then to Inspector and perhaps Assistant Chief.

3. When I was assigned to the 81st Precinct as the Executive Officer, I rarely addressed roll calls. Deputy Inspector Brower was the

Commanding Officer, and he regularly addressed roll calls. When I became Commanding Officer, I addressed roll calls more often than when I was the Executive Officer, but still only did so occasionally.

4. Adrian Schoolcraft was not the only officer in the 81st Precinct who received a 2.5 rating in his 2008 performance evaluation. Another officer received a 2.5 rating and as a result he was more closely monitored in 2009. He accepted the poor evaluation as motivation to improve his attitude and his performance, which he did.

5. With respect to the recommendation we made to the Brooklyn North commander to have Adrian Schoolcraft transferred after his poor performance in 2008, I recall being told by Chief Marino that an officer could not be transferred at the time of his year-end evaluation unless the request had been initiated earlier in the year. My understanding was that it was an administrative or procedural requirement. The request was not made out of a desire to punish Adrian Schoolcraft. Our feeling was that he might benefit from being assigned to a new command, preferably one that was had a lower volume of criminal activity and perhaps provided opportunities for him to focus on other interests.

6. In 2009, I was selected by NYPD to attend special training at the prestigious Police Management Institute (PMI) at Columbia University. Every other Deputy Inspector and Captain who attended PMI with me has since received at least one promotion and the corresponding pay increase. In addition,

the person who succeeded me as Commanding Officer of the 81st Precinct was promoted to Deputy Inspector after I was, but has since been promoted to Inspector and then to Assistant Chief.

7. As I explained at my deposition, once you have reached a rank above captain in the NYPD, there is no application or recruitment or testing process you can pursue to receive a promotion or transfer. It is presumed that any officer in the rank of Deputy Inspector or above would like to be promoted to the next rank and transferred to more desirable position of authority. I have let it be known to my superiors and to my union president that I have those interests, but I have not been considered for a promotion or a transfer since I was transferred in July 2010. I am confident, and I have been told, that if it had not been for the lies and deceit engaged in by Adrian Schoolcraft to get revenge against me, I would have been promoted and re-assigned a long time ago.

8. In addition to the damage I have suffered to my career and reputation along with my employment relationship with the NYPD, I have been maligned in the media and caused to suffer public humiliation and scorn, all of which caused me to suffer a prolonged period of emotional distress, for which I sought regular treatment.

9. In my motion for summary judgment, I have asked the court to dismiss plaintiff's claims against me, and now respectfully ask that the Court deny plaintiff's motion to dismiss the counterclaims I have asserted against him.

WHEREFORE, it is respectfully requested that the Court deny plaintiff's motion for summary judgment seeking dismissal of the counterclaims I have asserted against him, and that the Court award such other relief to me as the Court deems just.



Steven Mauriello

Sworn to before me this

11 day of February 2015



Notary Public

WALTER A. KRETZ, JR.
Notary Public, State of New York
No. 02KR4945274
Qualified in Suffolk County
Commission Expires 02/03/17